

COURT OPENS THE GATES TO POLITICAL HISTORY.

"What subjects did you discuss with Mr. Barnes?"

"Both executive and legislative subjects," was the reply.

The next question by Mr. Bowers brought to a climax one of the principal lines of Barnes' strategy to shut out references of political history in New York State. Mr. Bowers asked: "Did you have a discussion with Mr. Barnes in reference to the proposed special franchise tax law?"

Mr. Ives argued energetically against this, but the Court ruled against him and opened the doors to the flood of political history.

"What I permit is this conversation between Mr. Barnes and this witness with regard to campaign contributions," Justice Andrews said.

Mr. Ives was on his feet in an instant with an objection. Justice Andrews said it appeared to him that the defense had a right to prove if possible that there existed between business and politics a corrupt alliance, or that there was one between Mr. Barnes and Mr. Murphy.

"If these things can be proved," said the Court, "they may establish justification of this alleged libel."

The Court then overruled the objection and Mr. Ives took an exception. The Court added that the defendant had a perfect right to give testimony regarding campaign contributions and that he presumed this was what Mr. Bowers was getting at. Mr. Bowers said it was.

"I cannot say definitely when we had the first conversation on the subject," said Col. Roosevelt, "but I had a number of them. Mr. Barnes was Mr. Platt's lieutenant in Albany."

"Object," cried Ives, and the Colonel was handed off for the moment.

They brought him back to the straight line of when and what the conversations were. The Colonel then proceeded:

"Mr. Barnes endorsed Mr. Platt's. A storm of objections cut this short again.

There was cross-fire of counsel sharpshooting at each other and the witness. Every inch of ground was contested.

"It would be absolutely impossible for me to tell," said the Colonel, "just when or where these conversations occurred. There was one in a railway train. I think after the passage of the bill. It must have been in May. I can give only the substance, not the exact language. Mr. Barnes stated that Mr. Platt was right in his opposition to the franchise tax bill. Mr. Barnes objected to the bill and upheld Mr. Platt in Mr. Platt's opposition and said Mr. Platt was right."

EVERY SENTENCE DREW FIRE OF OPPOSITION.

Every sentence drew fire from the opposition. Mr. Ives contended there were two bills, one passed, the other was dropped. He demanded to know which one was meant, but the Court overruled him. The Colonel continued:

"At one point in the conversation the question arose about certain business men who would be unfavorably affected by the passage of the bill. They had been heavy contributors to Republican campaign funds although Democrats."

Mr. Barnes said of course Mr. Platt was right. The men had contributed to both political parties. In Albany two big business men, Mr. Robert Pruyn and Mr. Anthony Brady, who were connected with electric power companies, had been very heavy contributors to Republican campaign funds. They were among the heaviest contributors.

"I said it was perfectly natural that Mr. Pruyn, a Republican, should contribute, but I always understood Mr. Brady was a Democrat. Mr. Barnes answered that Mr. Brady contributed not as a matter of politics but as a matter of business, because he could not afford to have the great interests he represented be subject of attack by the scoundrels and demagogues in the legislative lobbies."

"Mr. Brady wanted to protect the widows and orphans who had invested in the corporations of which he was at the head. Mr. Brady had to take some action in order to protect their great interests and if the Republican party adopted a socialistic policy all the contributions would be made to the Democratic Party and it was necessary to keep the Republican Party the conservative party."

"I answered that I would not attack any corporation wilfully, but if any corporation made contributions in expectation of favors, it would get left. I expressed to Mr. Barnes my astonishment that when I sent my first special message to expedite the Ford bill it was torn up by the speaker."

Arrangements were made between counsel for checking up circulation of the papers, as this would have bearing on the amount of damages. Mr. Ives said that those in his list had 2,537,749 circulation. All this having required only five minutes of time, Mr. Ives said: "Plaintiff rests," and the case was shifted to the Roosevelt side to begin after the noon recess.

Col. Roosevelt arrived at the court house some time before his opponent. The crowd seeking admittance cheered him as he alighted from an automobile and the Colonel waved a reply with his hat. Mr. Barnes was late. The jury roll was called and then the proceedings halted while the court waited for the plaintiff to appear. During the wait counsel for both sides

talked to Justice Andrews. The Court decided not to wait for Mr. Barnes and Mr. Ives was told he might proceed. He began by explaining to the jury the identity of the principals.

"The plaintiff," he said, "is William Barnes of Albany and the defendant is Theodore Roosevelt of the United States."

MANY WOMEN TRY TO GET IN COURT ROOM.

As was the case yesterday, a crowd of men and women gathered at the court house early in hopes of being permitted to enter the room in which the trial is in progress before Judge Supreme Court Justice William M. Andrews. Many women were among those who sought admittance.

Members of the press, which was completed yesterday, were permitted to spend the night at their homes. It was rumored to-day that there was a plan afoot to keep the jury in custody after the taking of testimony had begun. It was authoritatively stated, however, that this rumor was without foundation.

Mr. Ives, slender and erect of figure, gray and bald, with cameo-cut features, a keen-eyed, shrewd, clear-minded veteran of the bar, made the opening address to the jury on behalf of Barnes, the plaintiff. He began with an elementary statement of the case and simple definitions of what constitute libel under the law. He drew pictures of the principals, first painting Col. Roosevelt, who sat stolidly, grimly, silently, within arms' reach of the speaker. Sketching the political career of the Colonel from the Assembly to the White House, Mr. Ives said:

"Col. Roosevelt had become an eminent author and begun to exercise influence on public opinion, an influence larger than any single newspaper because his opinions were expressed through the entire press of the country. He became probably the greatest arbiter of opinion in this country that has been known in its history."

Then Mr. Ives sketched Barnes and his career in journalism and in politics.

WORKED TOGETHER HARMONIOUSLY UNTIL THE YEAR 1910.

"These two men," continued the lawyer, "worked together harmoniously for the advancement of the Republican party until the year 1910. At that time their interests began to diverge more and more widely."

Mr. Ives referred only lightly to the Progressive national campaign of 1912 and hastened on to the State campaign of 1914, when Col. Roosevelt endorsed the candidacy of Harvey Hinman for Governor and in his behalf issued the statement, July 23 last, on which the present suit is based.

With rhetorical effect Mr. Ives turned to the jury the Colonel's fiery denunciation of Barnes. As he did the Colonel watched and listened intently.

When the sentence linking the names of Barnes and Murphy was reached Mr. Roosevelt needed his handkerchief. His jaw was set and he clenched his teeth. Time and again he shook his head up and down in emphatic endorsement of the sentences that Mr. Ives's clear, distinct voice was ringing out in the courtroom.

Once he thought he detected error in the reading and scanned a printed copy. He whispered to Counsel Bowers and snapped instructions. Barnes had moved so that he sat behind the Colonel and could watch every movement. The Albany reporter's face never moved a muscle.

Ives told of Barnes's opposition to Roosevelt in the 1912 Republican convention at Chicago and said Roosevelt's defeat gave rise to "malice" of the Colonel toward Barnes.

"The vital question in this case for you to decide is if these statements are true, because truth is never libelous, and if true the plaintiff has no standing in court," said Ives, accepting Roosevelt's issue of pleading justification—truth of charges.

In closing Mr. Ives turned to face Col. Roosevelt and exclaimed: "We are all up on this question and the abhor of the morals of this nation to produce proof of his charges because of the immensity of his reputation and his influence on the public mind."

William H. Van Beneshten of New York, a partner in Bowers & Sands, made the opening address for the defense.

The address for the defense bore many fingerprints of Col. Roosevelt's handiwork, reciting history of political conditions in New York State and replete with phrases of progressive doctrines. Mr. Van Beneshten began citing specific cases of Roosevelt's alleged interference with State government. First in Roosevelt's term as Governor was his opposition to special franchise tax bills and the demand for the appointment of Lou Payne as Insurance Commissioner. When the recall reached Gov. Hughes' administration and bearing on bills which were opposed by Barnes' protests were made by Mr. Ives against counsel drawing conclusions as though the statements had been directly introduced in evidence and admitted by the Court.

Mr. Van Beneshten had started to tell of an interview between Barnes and Hughes on the racing bill in 1907. "If those bills are passed you will win two votes for every one we lose," Barnes said: "Where will we get them?"

At this point Mr. Ives objected and the Court warned counsel to confine himself to statements of what he expected to prove. "But," protested Mr. Van Beneshten, "the statements I am making are taken from a letter written by Barnes himself. Surely that is admissible."

T. R. FROWNED WHEN CUB WAS PUT ON ORATORY.

The Court aided with him and put curb limits on the oratory. Col. Roosevelt frowned at this checking of his champion's address and silence

of his political strategy. There were no indications that the Colonel had weakened. Instead he grew more and more combative. Mr. Van Beneshten's address indicated determination to go the limit in attempting to prove everything that the Colonel had said about Barnes.

Mr. Ives referred to the fact that yesterday was the anniversary of the "shot" which was heard around the world, and that shot was fired in the name of liberty. Mr. Van Beneshten said: "It was fired as a protest against corrupt Government in England."

Col. Roosevelt, having been a citizen of this State nearly all his life, certainly had a right to stand up and demand good honest Government. Counsel for the plaintiff said he would object to admitting the stated defense. There the case is a subliminal Roosevelt intended to prove the existence of libelous and corrupt government.

The McGrath, Col. Roosevelt's private secretary, who gave out the offending statement, was called as the first witness.

Mr. McGrath told of giving the statement to newspaper correspondents at Col. Roosevelt's home at Center Bay.

Mr. Ives then read a list of newspapers published in various sections of the United States in which the statement was printed. A detailed statement of the circulation of each of the papers was then placed in evidence.

COUNSEL FOR BARNES WHO RODE ROOSEVELT AT THE LIBEL TRIAL.

WILLIAM M. IVES

In general and I can help a little why I am in for it.

"I am interested in neutrality because there is something so much greater to do than fight, because there is a distinction waiting for this nation that no nation has ever yet got. That is the distinction of absolute self-control and self-mastery."

"Whom do you admire most among your friends? The irritable man? The man out of whom you can get a 'rise' without trying? The man who will fight at the drop of the hat, whether he knows what the hat is dropped for or not?"

"Don't you admire and don't you fear, if you have to contend with him, the self-mastered man who watches you with calm eye and comes in only when you have carried the thing so far that you must be disposed of? That is the man you respect. That is the man who you know has at bottom a much more fundamental and terrible courage than the irritable, fighting man."

HE WARNS AGAINST PRINTING OF QUESTIONABLE NEWS.

"Now, I caveat for America this splendid courage of reserve moral force, and I wanted to point out to you gentlemen simply this: There is news and news."

There is what is called news from Turtle Bay, that turns out to be falsehood, at any rate in what it is said to signify, and which, if you could get the lantern to believe it, it could, might disturb our equilibrium and our self-possession. We ought not to deal in stuff of that kind. We ought not to permit things of that sort to use up the electrical energy of the wires, because its energy is malign, its energy is not of the truth, its energy is of mischief. It is possible to sift truth."

"I have some things to say out of the wires as true when there was only one man or one group of men who could have told the originators of the report whether it was true or not, and they were not asked whether it was true or not for fear it might not be true. That sort of report ought not to go out over the wires."

"There is generally, if not always, somebody who knows whether that thing is so or not, and in these days, above all other days, we ought to take particular pains to resort to the one small group of men or to the one man, if there be but one, who knows whether those things are true or not. The world ought to know the truth, but the world ought not, at this period of unstable equilibrium, to be disturbed by rumor, ought not to be disturbed by imaginative combinations of circumstances, or rather, by circumstances stated in combination which do not belong in combination. For men are holding—not I, but you and gentlemen engaged like you—the balances in your hand. This unstable equilibrium rests upon scales that are in your hands. For the food of opinion, as I began by saying, is the news of the day. I have known many a man go off at a tangent on information that was not reliable. Indeed, that describes the majority of men. The world is held steady by the man who waits for the next day to find out whether the report was true or not."

"We cannot afford, therefore, to let the rumors of irresponsible persons and origins go into the atmosphere of the United States. We are trustees for what I venture to say is the greatest heritage that any nation ever had, the love of justice and righteousness and human liberty. For, fundamentally, those are the things to which America is addicted and to which she is devoted. There are groups of selfish men in the United States, there are colonies, where sinister things are purposed, but the great heart of the American people is just as sound and true as it ever was. And it is a single heart; it is the heart of America. It is not a heart made up of sections selected out of other countries."

"So that what I try to remind myself of every day, when I am almost overcome by perplexities—what I try to remember is what the people put myself in the place of the man who does not know all the things going on in the world, but who would like the policy of this country to be. Not the talkative man, not the partisan man, not the man that

in order that America may be fit to be Europe's friend when the day of tested friendship comes. The test of friendship is not now sympathy with the one side or the other, but getting ready to help both sides when the struggle is over."

"On a basis of neutrality, gentlemen, is not indifference, it is not self-interest. The basis of neutrality is sympathy for mankind. It is fairness, it is good will at bottom. It is impartiality of spirit and of judgment. I wish that all of our fellow citizens could realize that. There is in some quarters a disposition to create distinctions in this body politic. Men are even uttering slanders against the United States as if to excite her. Men are saying that if we should go to war upon either side, there will be a divided America—an abominable libel of ignorance. America is not all of it vocal just now. It is vocal in spots. But I for one have complete and abiding faith in that great silent body of Americans who are not standing up and shouting and expressing their opinions just now, but are waiting to find out and support the duty of America. I am just as sure of their solidity and of their loyalty and of their unanimity as I am that the history of this country has at every crisis and turning point illustrated this great lesson."

"We are the mediating nation of the world. I do not mean that we undertake not to mind our own business and to mediate where other people are quarrelling. I mean the word in a broader sense. We are compounded of the nations of the world. We mediate their blood, we mediate their traditions, we mediate their sentiments, their tastes, their passions. We are ourselves compounded of those things. We are therefore able to understand all nations. We are able to understand them in the compound, not separately, as partisans, but unitedly as knowing and comprehending and embodying them all. It is in that sense that I mean that America is a mediating nation. The opinion of America, the notion of America, is ready to turn and free to turn in any direction."

UNITED STATES COVETS NOT A FOOT OF TERRITORY.

"Did you ever reflect upon how almost all other nations, almost every other nation, has through long centuries been headed in one direction? That is not true of the United States. The United States has no racial momentum. It has no history back of it which makes it run all its energies and all its ambitions in one particular direction; and America is particularly free in this, that she has no hampering ambitions as a world power. If we have been obliged by circumstances, or have considered ourselves to be obliged by circumstances, in the past to take territory which we otherwise would not have thought of taking, I believe I am right in saying that we have considered it our duty to administer that territory, not for ourselves, but for the people living in it, and to put the burden upon our consciences, not to think that this thing is ours for our use, but to regard ourselves as trustees of the great business for those to whom it does really belong—trustees ready to hand over the trust at any time, when the business comes to make that possible and feasible. That is what I mean by saying that we have no hampering ambitions. We do not want anything that does not belong to us. Isn't a nation in that position free to serve other nations, and isn't a nation like that ready to form some part of the assessing opinion of the world?"

"My interest in the neutrality of the United States is not the petty desire to keep out of trouble. I have never looked for it, but I have always found it. I do not want to lead around roundly, if any man wants a scrap that is an interesting scrap and worth while, I am his man. I warn him that he is not going to draw me into the scrapper for his advertisement, but if he is looking for trouble that is the trouble of man

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members from that he is a Republican and that his party is the party of the people, but who remembers that the whole history of modern affairs centers around the question of American Rule? If I mentioned myself as a partisan in the present struggle I would be unworthy to represent you. If I permitted myself to forget the people who sent me here, I would be unworthy to represent you. I am not saying that I am worthy to represent you, but I do claim this degree of confidence—that before everything else I love America."

Terrific cheering followed the President's peroration. A brief pause followed, after which, under the direction of Secretary McMillin, a line was formed and the President shook hands with all the guests as they passed out.

President Wilson and party were scheduled to leave on a special train for Washington at 4:30 o'clock this afternoon.

The gallantries at the luncheon were unanimous in declaring prosperity has returned.

The galleries of the grand ballroom in which the luncheon was held were filled with spectators, the majority of them women, who waved a enthusiastic salute to the President when he entered.

GERMAN LINE GIVES GROUND BEFORE THE ATTACKS OF BRITISH

(Continued from First Page.)

this at 6:30 A. M. with a determined counter attack. This attack was pressed home and stiff hand-to-hand fighting ensued. Our infantry, fighting with great gallantry and determination and well supported by artillery, drove off the enemy with complete success."

"Our losses were very heavy, but the Germans suffered still more severely, particularly from our machine guns, which caught them in close order in the open."

"Throughout the 15th the enemy repeatedly renewed his attacks, making desperate efforts to regain his position, which was of great importance. At one time he succeeded in gaining a footing on the southern slopes of the hill, but they were promptly driven back again. At nightfall the whole hill was in our hands and the ground gained has been consolidated."

"This morning the enemy's attack ceased, but they continued to bombard the hill."

"The statement in a recent German official communication that we are using asphyxiating gases in the Ypres district is false. It doubtless was made to justify the use of these gases which have been freely employed by the enemy in their attacks on hill No. 60. Germany signed a clause in The Hague Convention eliminating the use of asphyxiating gases."

WOMAN DROPS DEAD IN POLO GROUNDS BOX

A woman seated alone in an upper tier box watching the Glants-Phillips game this afternoon toppled out of her chair and when aid reached her she was dead.

She was seated near the center of the tier. In the first half of the second inning, with Philadelphia at bat, she was seen to collapse and Capt. McGrady, in charge of the special police, hurried to her.

She was picked up and an effort was made to revive her, but she was dead.

Her body was carried to the lady's dressing room.

The woman was identified as Mrs. Susan Miesnicki of the Hotel Endicott.

WARMEST APRIL 20 IN LAST 44 YEARS

Not to be outdone by the Steel stocks of Wall Street, the thermometer to-day had a little skyrocketing on its own account.

The highest temperature recorded to-day by the Government thermometer in the office of the local weather bureau was 76 degrees, which is higher than on any previous April 20 in the forty-four years of the bureau's history. The minimum temperature so far to-day is 64 degrees, making the average temperature 70 degrees up to 1 o'clock this afternoon. This is a record.

ALBANY, April 20.—By refusing to advance the measure the Senate today killed the Foley bill, designed to give the Public Service Commission complete jurisdiction over telephone and telegraph rate making.

Majority Leader Brown characterized the bill as a "half baked measure" and would lead to clashes of authority between the up-State and down-State commissions.

Minority Leader Wagner contended the defeat of the measure was due to partisan opposition, as it was drafted as a result of the investigation made by the Foley Legislative Committee.

STORAGE WAREHOUSE For Household Goods. CARPET CLEANING By Compressed Air in Fire-Proof Building. T.M. STEWART 430-442 WEST 51ST ST. RING UP 3307 COLUMBUS

DIED. GILROY.—On April 18, WILLIAM J. GILROY, in his 49th year, beloved brother of Mrs. J. Gilroy.

Funeral from his late residence, 3118 Beverly Road, Flatbush, on Wednesday, April 21, at 9:30 A. M.; thence to Holy Innocent's Church, where a requiem mass will be offered. Interment Calvary cemetery.

SULLIVAN.—On Monday, April 19, at his residence, 19 Washington st., DANIEL SULLIVAN, beloved husband of the late Nora O'Connor and father of Mamie Sullivan.

Notice of funeral hereafter.

TRUBEN.—Suddenly, at his residence, 63 1/2th St., Long Island City, on April 19, FRANCIS C. TRUBEN.

Funeral Thursday, 10 A. M., from St. Mary's Church, Interment Calvary.

HELP WANTED—MALE. GUYTON, wanted to do valuations, 2 in family, willing, working, A.C.; personal references, 200 W. 12th St., New York.

BRITISH IN DARING DASH SINK THEIR OWN SUBMARINE

Destroyed Stranded E-15 So That Turks Wouldn't Get Her.

LONDON, April 20.—The British Admiralty announced officially to-day that the British submarine E-15 was destroyed in the Dardanelles by British picket boats.

The text of the Admiralty announcement follows:

"The submarine E-15, which grounded on Kepher point last Saturday, appears to have been in danger of falling into the enemy's hands in a serviceable condition. Great efforts were made by the Turks to secure her. Attempts to destroy her by long range fire of battleships failed."

"During the night of the 18th two picket boats—that of the Triumph, under Lieut.-Commander Eric Robinson, who commanded the expedition, assisted by Lieut. Arthur Brooke Webb, R. N. R., and Midshipman Claude Godwin and that of the Atlantic, both manned by volunteer crews—attacked the submarine."

"The boats were subjected to a very heavy fire, estimated at over 200 rounds, from Fort No. 8, which was only a few hundred yards distant, and a number of small guns at short range. Notwithstanding this, the submarine was torpedoed and rendered useless."

"The submarine's picket boat was holed and sunk, but the crew were saved by the other boat and the only casualty was one man who died of wounds."

"Vice Admiral De Robeck speaks in the highest terms of all concerned in this gallant enterprise. Lieut. Commander Eric Robinson has been promoted to a Commander by the Admiralty, and a report has been called for on the individual services of other officers and men with a view to their recognition."

PARIS, April 20.—Two Turkish torpedo boat destroyers were blown up, says a Salonika despatch, while passing through a mine belt which Russian ships succeeded in laying across the entrance to the Bosporus while the Turkish fleet was cruising in the Black Sea.

The explosions caused by the destruction of the two Turkish boats gave warning to the remainder of the fleet which, the despatch says, was obliged to remain in the Black Sea because no mine sweepers were available.

SALONIKA